

REMARKS

The Office Action dated November 21, 2007 has been received and carefully noted. The above amendment to claim 1 and the following remarks are submitted as a full and complete response hereto.

Claim 1 has been amended. Claims 2 – 13 are presented for reconsideration. The amendments to claim 1 find clear support at least in Figures 3 and 4 and the description thereof. No new matter is being presented and entry of the amendment is respectfully requested.

Claims 1-13 are pending and under consideration.

Rejections Under 35 U.S.C. § 103

Claims 1 – 13 were rejected under 35 U.S.C. 103(a) as unpatentable over Cloud (US 5,081,819) taken in view of Rudd et al. (US 3,579,350). The Examiner agrees that Cloud does not disclose the claimed one forming head coupled with the pocket and being mobile towards and away from the pocket. The Examiner also stated that Beverage (i.e. Rudd et al), discloses a similar apparatus with the use of forming head coupled with the pocket and being mobile towards and away from the pocket.

In the Examiner's opinion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted a forming/impressing head for Cloud's ('819) impressing belt 37 by using a forming/impressing head, as suggested by Rudd ('350) in order to greatly increase the total number of pods produced.

First, it should be noted that the Examiner's rationale for the substitution finds no basis in the record in that Rudd specifically states that it is the turning of the pods to have closer spacing center-to-center lengthwise of the tape that enables the great increase in the total number of pods produced without increasing the speed of feed of the tape material through the tape making machine (Col 2, lines 17 – 22). This has nothing to do with the use of the forming/impressing head(s) and cannot form the basis for such a substitution.

Claim 1 as currently amended recites that the actuating means comprises, "for each and every pocket on the revolving drum conveyor means, as least one forming head individually associated with that pocket."

As admitted in the Office Action, Cloud fails to disclose actuating means comprising a forming head of any type. Cloud only discloses a flexible rubber belt (38) which has a portion movable along an arcuate path.

Rudd only discloses a triplet of forming heads which is placed at a fixed position with respect to the advancing direction of the forming plates (25). Therefore, Rudd fails to disclose an actuating means that comprises, "for each and every pocket on the revolving drum conveyor means, as least one forming head individually associated with that pocket."

At best, the mere substitution for even a triplet of forming heads for the flexible rubber belt would not be a teaching of the limitations of claim 1.

As a consequence, Cloud and Rudd fail to disclose, either alone or in combination, all the features of claim 1 as currently amended.

In view of what above, Applicant respectfully submit that the invention recited by claim 1 is not obvious over Cloud ('819) in view of Rudd et Al ('350) and should therefore be deemed patentable.

Claims 2-13 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable.

Conclusion

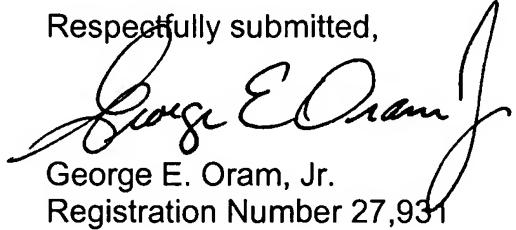
In view of the above, reconsideration of the application, withdrawal of the 35 U.S.C. § 103 rejections, allowance of claims 1-13 and the prompt issuance of a notice of allowance is respectfully requested.

Applicant's counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00318.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George E. Oram, Jr." The signature is fluid and cursive, with "George E." on the top line and "Oram, Jr." on the bottom line.

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